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Attorneys for Respondent

I hereby attest and certify on 11/13/2007 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA



CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

2007 NOV 13 PM 12:42

Legal (proposed) order

FILED

DARRYL RANSOM,

Petitioner,

v.

BEN CURRY, WARDEN,

Respondent.

CV 07-04453-PSG (JCR)

**RESPONDENT'S EX PARTE
APPLICATION FOR A
THIRD EXTENSION OF
TIME TO FILE HIS ANSWER
TO THE PETITION FOR
WRIT OF HABEAS CORPUS;
SUPPORTING
DECLARATION OF KIM
AARONS**

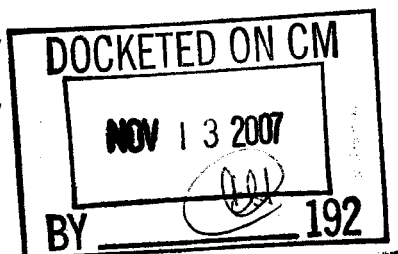
Judge: The Honorable
John Charles Rayburn, Jr.

TO THE HONORABLE JOHN CHARLES RAYBURN, JR., UNITED
STATES MAGISTRATE JUDGE, AND PETITIONER DARRYL RANSOM, IN
PRO PER:

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#13

1 Respondent Ben Curry, Warden of the Correctional Training Facility at
2 Soledad, California, respectfully applies for a third extension of time, through
3 December 14, 2007, to file and serve the Answer to the Petition for Writ of Habeas
4 Corpus. The Answer is currently due by November 14, 2007. This request is
5 based on good cause as set forth in the attached declaration of Kim Aarons. A
6 proposed order is being filed herewith.

7 Dated: November 8, 2007

8 Respectfully submitted,

9 EDMUND G. BROWN JR.
10 Attorney General of the State of California

11 DANE R. GILLETTE
12 Chief Assistant Attorney General

13 JULIE L. GARLAND
14 Senior Assistant Attorney General

15 HEATHER BUSHMAN
16 Deputy Attorney General

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18 KIM AARONS
19 Deputy Attorney General
20 Attorneys for Respondent

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DECLARATION OF KIM AARONS

I, Kim Aarons, hereby declare and state:

1. I am an attorney at law, duly admitted and licensed to practice law in this Court. I am employed as a Deputy Attorney General for the State of California. In that capacity, I am the attorney representing Respondent in this matter. The following facts are based on my own personal knowledge, except for those facts based on information and belief, which I believe to be true. If called upon as a witness, I could and would competently testify about the following facts.

2. I have received two extensions of time in this matter. The Answer is currently due on or before November 14, 2007.

3. I need additional time because I have one previous assignment to complete before turning my attention to the present case. Earlier today, I began reviewing the records and drafting an answer to an amended petition for writ of habeas corpus in the matter of *Wyatt v. Sisto*, CV-07-636-GHK (E), due on November 21, 2007, on a third requested extension of time. I anticipate completing the draft answer in *Wyatt* by Friday, November 16, 2007, and I will then need to have the draft reviewed by a supervisor before formatting and filing the finalized version with this Court. In addition, my office will be closed in observance of Veteran's Day on November 12, 2007.

4. I have been unable to complete this assignment at an earlier date because of the recent wildfires in San Diego, and because of several previous assignments that required my immediate attention. Specifically, I was evacuated from my home on Sunday, October 21, 2007, and was unable to return until Thursday, October 25, 2007. I also missed several hours of work because my office was closed on Monday and Tuesday, October 22-23, 2007, and I took additional time off to return to my home on Thursday, October 25, 2007. Thus, my work on several assignments was postponed during that time.

5. In addition, within the past thirty days, I have completed the

1 following previously assigned responses to state and federal habeas corpus
2 petitions: *Worline v. Salazar*, Case No. 07-CV-03845-CJC (AJW); *In re James*
3 *Masoner*, Los Angeles County Super. Ct. Case No. BH004852; *Borbon v.*
4 *Davison*, Case No. 07-CV-04046-ABC (VBK); *Osby v. Salazar*, Case No. CV-07-
5 04439-ODW (PLA); *Nestle v. Davison*, Case No. CV 07-4331-CAS (OP); and *In*
6 *re Margo Johnson*, Cal. Ct. of App. Case No B196040.

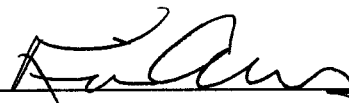
7 6. Accordingly, I am respectfully requesting an extension of time,
8 through December 14, 2007, to file and serve the Answer to the Petition. I will
9 not request any further extensions of time.

10 7. This request is made in good faith and is based on good cause as set
11 forth above. The request is not made to harass Petitioner, to delay the outcome of
12 this matter, or for any other improper purpose.

13 8. I do not believe that Petitioner will be prejudiced by a delay in the
14 consideration of his claims. Allowing Respondent the brief amount of time
15 required to prepare a proper response will serve the interests of justice without
16 materially prejudicing or unduly benefitting either side.

17 9. Because Petitioner is in pro se and is presently incarcerated, I have
18 not contacted him to ascertain whether he has any objection to this request.
19 Petitioner will receive notice of this ex parte application by mail at the address he
20 provided the Clerk of this Court.

21 I declare under penalty of perjury and the laws of the United States that the
22 foregoing is true and correct. Executed this 8th day of November, 2007 at San
23 Diego, California.

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26 KIM AARONS
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Ransom v. Curry**

Case No.: **07-CV-04453-PSG (JCR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On November 9, 2007, I served the attached:

**RESPONDENT'S EX PARTE APPLICATION FOR A THIRD
EXTENSION OF TIME TO FILE HIS ANSWER TO THE PETITION
FOR WRIT OF HABEAS CORPUS; SUPPORTING DECLARATION
OF KIM AARONS**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

**Darryl Ransom, #E40704
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686**

In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 9, 2007, at San Diego, California.

F. Terrones

Declarant



Signature

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